

STATE OF NEW HAMPSHIRE
SUPREME COURT
ADVISORY COMMITTEE ON JUDICIAL ETHICS

DOCKET NUMBER: 2002-ACJE-09

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QUESTIONS AND FACTS PRESENTED:

A part-time judge is an officer and president of the board of directors of a non-profit charitable organization. The judge's name appears on the organization's letterhead, although the judge's judicial status is not referenced. Occasionally, the organization conducts fund-raising activities. Contact with potential donors is made, using the organization's letterhead. Additionally, the names of board members are sometimes given in the body of the solicitation as points of contact for purposes of responding to general questions about the organization. The judge asks: (1) whether the judge's name, with or without reference to judicial status, can continue to appear on the letterhead even when used in fund-raising solicitations; and (2) whether the judge may continue to be listed as a contact person or source of further information for potential donors.

DISCUSSION AND APPLICATION OF CODE OF CONDUCT:

Canon 4 (C)(3)(b) sets forth the limits of a judge's permitted involvement in fund-raising activities associated with service as an officer of a non-profit charitable organization. The commentary to that section specifically allows that a judge's name may appear in the organization's letterhead, even when the stationery is used for fund-raising purposes. It is permissible for the judge's judicial designation to be used only if comparable designations are used for other members.

The Committee next considered whether the judge may be listed in letters of solicitation as a contact person for purposes of providing general information about the organization to potential donors. It is our opinion that the listing of the judge's name in the body of the solicitation letter, even for the limited purposes described by the inquiring judge, constitutes personal participation in the solicitation of funds. A conversation with any identified potential donor will inevitably include the communication of information designed or perceived to be designed to induce contributions and, as such, would be prohibited by the Code.

ADVISORY OPINION ON THE QUESTION PRESENTED:

The Code of Judicial Conduct allows a judge's name to appear on the letterhead of a non-profit charitable organization of which the judge is an officer and president of the board of directors. The letterhead may be used in the ordinary course of the fund-raising activities by the organization; however, the judge may not be listed in the body of the letter of solicitation as a contact person available to answer questions about the organization or the fund-raising activity.

THIS ADVISORY OPINION IS ISSUED BY UNANIMOUS CONCURRENCE OF ALL COMMITTEE MEMBERS.

Edwin W. Kelly, Member

CAUTIONARY STATEMENT

This opinion is advisory only and not binding on the judicial conduct committee, which may, in its discretion, consider compliance with an advisory opinion by the requesting individual as a good faith effort to comply with the Code of Judicial Conduct. Rule 38-A(4)(c).